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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/113,090	07/10/1998	KIA SILVERBROOK	ART34-US	7669

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AUSTRALIA

EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/113,090

Applicant(s)

SILVERBROOK ET AL.

Examiner

LUONG T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-8 is/are allowed.
- 6) ☒ Claim(s) 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/19/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 08/19/2005 have been fully considered but they are not persuasive.

In page 7, Applicants argue that page 43 includes Australian provision applications incorporated by crossed-reference in the first column of the table, the last column of the table includes corresponding granted US Patents which are also to be incorporated by crossed-reference. It appears that the Examiner has only considered the first column of the tables on page 43 including the Australian Provisional Applications and not the last column which clearly includes the corresponding US granted patents which are also to be incorporated by cross-reference. As US 6,431,669 is a US patent, under section 608.01 (p), the material may be incorporated by crossed-reference.

In response, it should be noted that page 43 of the specification of this application (filed on 07/10/1998) does not show any table, which includes Australian provision applications incorporated by crossed-reference in the first column of the table, the last column of the table includes corresponding granted US Patents which are also to be incorporated by crossed-reference, as stated by the Applicants. Instead, page 43 only discloses the recited claims (claims 1-5) of this application.

It should be noted that pages 41-42 of this application (filed on 07/10/1998) discloses a table, which includes Australian provision applications incorporated by crossed-reference in the first column of the table, the last column of the table includes the Title of the Australian

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provision applications. There is no corresponding granted US Patents which are also to be incorporated by crossed-reference, as stated by the Applicants.

The attempt to incorporate subject matter into this application by reference to US Patent No. 6,431,669 is improper because the US Patent No. 6,431,669 is not incorporated by reference in the disclosure of this application.

The Applicants have filed amendment to specification and drawings accompanied by a Declaration on 8/19/2005 in accordance with MPEP § 608.01 (p)(I)(A)(2), and stated that the amendatory subject matter of the accompanying Amendment to the specification and drawings consists the same material incorporated by reference in the referencing application, Australian Provisional Patent Application No. PO 7991, to which the current U. S. Application No. 09/113,090 claims foreign priority. Since the amendment to the specification (page 2 of the Amendment filed on 08/19/2005) and drawings (adding Figure 2) support the feature "linear image sensor" in claim 6, the rejection of claim 6 under 35 U.S.C. 112, first paragraph has been withdrawn. However, the amendment to the specification (page 2 of the Amendment filed on 08/19/2005) and drawings (adding Figure 2) still do not support the features of claims 9-20, the rejection of claims 9-20 under 35 U.S.C. 112, first paragraph still sustain. The Applicants failed to provide the support for the features claimed in claims 9-20 as required in the Office action mailed on 5/18/2005.

It should be noted that since the Applicants submit the features in claims 9-20 as claimed invention, the Applicants imply that these features are "essential material." However, the essential material may not be incorporated by reference to (1) patents or applications published by foreign countries or (2) a foreign application. See MPEP § 608.01(p). Merely reference to

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another application, patent, or publication is not an incorporation of anything therein into the application containing such reference for the purpose of the disclosure required by 35 U. S. C 112, first paragraph. *In re de Seversky*, 474 F.2d 671, 177 USPQ 144 (CCPA 1973). In addition to other requirements for an application, the referencing application should include an identification of the referenced patent, application, or publication. Particular attention should be directed to specific portions of the referenced document where the subject matter being incorporated may be found. See MPEP § 608.01(p)(I)(A).

Drawings

2. The drawings are objected to because of the following informalities:

In the newly added Figure 2, "ARTCAM CENTRAL PROCESSOR (ACP)" should be changed to --ARTCARD PROCESSOR 2--. It should be noted the Applicants have been changed "Artcam central processor 2" to "Artcard processor 2" in the Amendment to the specification filed on 11/16/2004.

In order to avoid the confusion, on the new sheet of Figure 2 as newly added in the Amendment filed on 8/19/2005, the number "2/2" on the top and in the center of new sheet page should be deleted. The Applicants should add the number "1/2" on the top and in the center of the sheet of Figure 1, if the Applicants would like to maintain the number "2/2" on the sheet of Figure 2.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

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sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 6-20 are objected to because of the following informalities:

Claim 6 (lines 8, 12-13), claim 9 (line 2), claim 13 (line 2), claim 16 (lines 2-3) have been amended with the limitation "at least one encoded card," therefore, the limitation "at least one optically encoded card" in claim 6 (lines 7-8) should be changed to --at least one encoded card-- in order to be consistent in all claims. Further, it is noted that the specification, page 2, only discloses "encoded card." There is no disclosure of "optically encoded card" in the specification. If the Applicants consider that "optically encoded card" is different from "encoded card," the Applicant is required to provide the support in the specification for the feature "optically encoded card."

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Claim 6 (line 8), claim 9 (line 2), claim 13 (line 2), claim 16 (lines 2-3) “at least encoded card” should be changed to --the at least encoded card--.

Claim 16 (line 4), “the bit image” should be changed to --a bit image--.

Claims 7-20 are objected as being dependent on claim 6.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 9-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no disclosure to support for the features as claimed in claims 9-20.

Claim 9 recites “the data is encoded as an array of dots on at least one encoded card.”

The specification, page 1 only discloses “encoded card;” there is no disclosure of “the data is encoded as an array of dots.”

As for claim 10, there is no disclosure to support for feature “each encoded card includes a human readable representation of the effect of the set of instructions on an image.”

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As for claim 11, there is no disclosure to support for feature “the human readable representation is in the form of an image and representation of the image when modified using the set of instructions.”

As for claim 12, there is no disclosure to support for feature “each encoded card is formed from a plastic film coated with a hydrophilic dye fixing layer, thereby allowing the data to be printed thereon.”

As for claim 13, there is no disclosure to support for feature “a motor for propelling at least one encoded card past the linear image sensor at a relatively constant rate.”

As for claim 14, there is no disclosure to support for feature “the motor can operate in reverse to eject the encoded card.”

As for claim 15, there is no disclosure to support for feature “the data is encoded in the form of VARK script.”

As for claim 16, there is no disclosure to support for feature “the processor extracts the bit image from the received signals; rotates and unscrambles the bit image; and decodes the data.”

As for claim 17, there is no disclosure to support for feature “each encoded card includes a number or targets indicative of the position of each encoded data.”

As for claim 18, there is no disclosure to support for feature “each encoded card includes a data region for encoding the set of instructions, and a plurality of targets positioned at opposing end of the data region to enable the position of the data region to be determined by the processor.”

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As for claim 19, there is no disclosure to support for feature “each target includes an orientation column indicative of a degree of skew between the data region and the linear image sensor.”

As for claim 20, there is no disclosure to support for feature “each encoded data is encoded using Reed Soloman error correction.”

Allowable Subject Matter

6. Claims 6-8 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 6, the prior art of the record fails to show or fairly suggest a camera system for outputting deblurred still images, said system comprising a linear image sensor for sensing data provided on at least one encoded card inserted into the camera system, the at least one encoded card containing instructions for the manipulation of the blurred images; and a processor adapted to receive said blurred image from said image sensor and said velocity output from said velocity detector and to process said blurred image under programmed control determined from data sensed by the linear image sensor from the at least one encoded card, in combination to other claim elements.

Claims 7-8 are allowable for the reasons given in claim 6.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NGOCYEN VU can be reached on (571) 272 -7320. The fax phone number for the organization where this application or proceeding is assigned is (571) 273 -8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN LN
10/29/05


NGOC-YEN VU
PRIMARY EXAMINER